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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,863

08/25/2003

Tae Hwan Jung

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1800

21171

7590

06/21/2006

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,863	Applicant(s) JUNG, TAE HWAN	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14-18, 20-33, 35-40, 42-45 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-18, 20-33, 35-40, 42-45 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/06 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body of claims 1 and 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
4. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 5.
6. Claims 1-5, 7-12, 14-17, 28-33, 35-40, and 42-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 28 add in the new limitation of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a side

surface of the movable body. This is not shown or discussed in the specification or drawings as originally filed.

7. Claims 1-5, 14-17, 28-33, 35-40, and 42-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 1 and 28, it is unclear how the separate member with the grooves is coupled to the movable body, the added feature of the separate member being I-bar-shaped slidably inserted into a half-I-bar slot does not provide enough description to enable one skilled in the art to make or use the separate member and the movable body.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-5, 7-12, 14-18, and 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the applicant is claiming a control device or a control device in combination with a refrigerator in claims 1 and 18. If the applicant intends to claim only control device, all recitation of the combination must be removed. If the applicant intends to claim the combination, the preamble should be amended. The claims will be treated as a combination of the control device and the refrigerator since the structures of the refrigerator are recited positively in these claims.

10. Claims 7-12 are indefinite because claims 7 and 12 depend from canceled claim 6. Accordingly, for examination it is assumed that 7 and 12 depend from claim 1.

Claim Rejections - 35 USC § 103

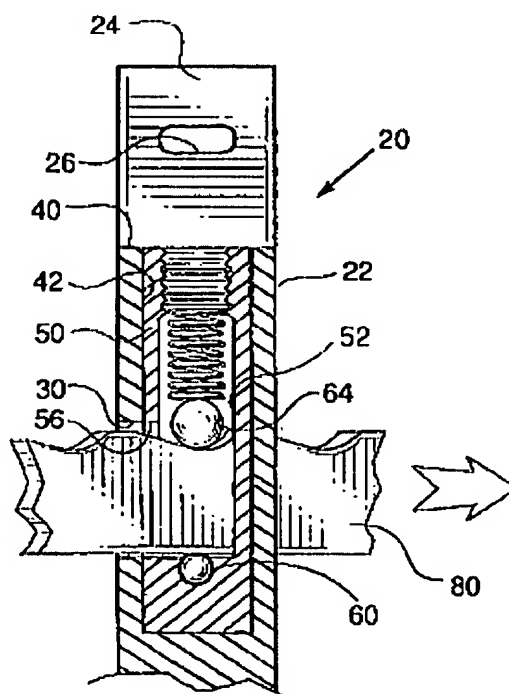
11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 18, 20-27, 45, 47-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korean Patent 1020040021444 A to Han in view of US patent 6,711,778 to Sparkman. Han teaches a refrigerator with a door control device that has a movable body (503) with a rear end (503a) that connects to a dampening unit (504). The control unit has a spring (505) that provides a force to close the door when the door is less than 90 degrees. When the door is beyond an angle of 90 degree a linkage (508) allows the force to be in line with the linkage thereby allowing the door to have a plurality of stable positions between 90 degrees and fully open. Han does not expressly disclose the movably body with grooves formed along a longitudinal side, a control unit comprising a locking unit that is biased by a elastic member into the grooves of the movable body, and the dampening unit comprising an elastic support unit.
13. Sparkman teaches a control device with a locking unit (64) selectively engaging the plurality of grooves (88,90,92, 94) provided to the movable body (80) to hold the

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door (4) in various open positions. An elastic member (66) elastically supports the locking unit (64). The locking unit (64) comprises a retractable roller (64) selectively seated in the grooves (88,90,92) of the movable body (80) during a movement of the movable body (80). The roller (64) is perpendicular placed relative to the movable body (80), and wherein the roller (64) is elastically retractable. The control unit (64,66) is disposed in a control chamber (50), which is defined in a separate member (22) at a predetermined position on the sidewall (2) and is integrally fastened to the sidewall (2) with screw (28). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the control device of Han by adding the moveable body and control chamber as taught by Sparkman to provide a plurality of more stable stop positions when the door is open.



Sparkman '778 Figure 2

14. Han in view of Sparkman does not expressly disclose the dampening unit comprising an elastic support unit, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use a spring(s) in place of air as shock-absorbing means, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

15. Applicant's arguments with respect to claims 18 and 45 have been considered but are moot in view of the new ground(s) of rejection. Even though the Cherry reference is not used in the current rejection the examiner would like to help make the record clearer with respect to the previous arguments. The examiner agrees with the applicant in every characterization of the Cherry reference except for the fact that the addition of a further stop position would be counter to the fact that the door is being biased towards a fully open position (90 degrees). The door of Cherry has another stable position at 130 degrees even though the spring is biasing it towards a fully open position (90 degrees). So therefore the spring is biasing the door while it is in a stable position at 130 degrees, it therefore seems conceivable that another open stable position can be provided even if the door is being biased by the spring. In the last response the examiner confused "fully open position" to mean the 130 degree position.

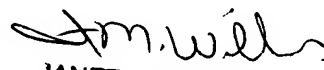
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA
6/13/06



JANET M. WILKENS
PRIMARY EXAMINER
Art 3637